

REMARKS

Applicant's August 6, 2004 Response was deemed to be noncompliant for the reasons set forth in sections 4C, 4D and 4E of the Notice. In particular, the Legal Instruments Examiner issuing the Notice has cited Applicant's listing of claim 62 twice, and with different status identifiers.

Repeated calls to the Legal Instruments Examiner by Applicant's agent for some clarification went unanswered. As Applicant's agent had hoped to explain, the same presentation of the claims was made in Applicant's prior Response, on January 5, 2004, and the Office saw no problem with it. Hence, Applicant had every reason to think that the August 6, 2004 Response would be considered fully compliant by the Office. As also would have been pointed out to the Examiner during any discussion, Applicant took pains in the January 5, 2004 Response to point out the basis for presenting the claims in this way. In short, two claims 62 had inadvertently been presented in an earlier amendment, and Applicant sought to provide a clear accounting of the status of all claims ever entered into the application, in keeping with the spirit of the rules.

However, in view of the issuance of the Notice and Applicant's wish to incur no further delay in prosecution, Applicant has submitted hereby an amended version of the claims section of the August 6, 2004 Response, and only this section.

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The amendment consists of deletion of the entry "62. (second instance) (cancelled)" from the listing of claims. It is believed that this change fully addresses the defects alleged by the Examiner to exist in Applicant's previous response.

No fee should be due in connection with this communication. However, should it be determined that a fee is required for any reason the Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Date: December 30, 2004

Respectfully submitted,



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